

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

OPENWAVE SYSTEMS, INC., )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
v.                             ) C.A. No. 11-765 (MSG)  
                                )  
                                )  
APPLE INC., RESEARCH IN MOTION LTD. )  
and RESEARCH IN MOTION CORP.,         )  
                                )  
                                )  
Defendants.                 )

**STIPULATED ORDER**

WHEREAS, on October 17, 2011, the Court entered a stay of this action pursuant to 28 U.S.C. § 1659 (D.I. 7) (the “Stay”) in deference to a parallel proceeding before the United States International Trade Commission (“USITC”); and

WHEREAS, the USITC proceeding was terminated as of November 13, 2012, after Openwave withdrew its complaint in its entirety;

IT IS HEREBY STIPULATED AND AGREED, subject to approval and order of the Court, as follows:

1. The Stay is lifted. The parties shall propose an appropriate Protective order to facilitate use of the record in the USITC as appropriate.

2. Plaintiff shall file an Amended Complaint withdrawing its infringement allegations concerning U.S. Patent Nos. 6,233,608 and 6,289,212 within two business days of the Stay being lifted.

3. Defendants shall answer, move or otherwise respond to the Amended Complaint within 30 days of the filing of the Amended Complaint.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Rodger D. Smith II*

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*Attorneys for Defendants Research in Motion  
Ltd. and Research in Motion Corp.*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2012.

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Judge

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